

Absent

Hill Moore
Moffett

Absent—Excused

Shivers Spears
Smith

Question—Shall the motion to suspend the regular order of business prevail?

Request to Take up House Bill 611

Pending consideration of the motion of Senator Metcalfe to suspend the regular order of business, Senator Vick asked unanimous consent to move that the regular order of business be suspended to take up H. B. No. 611, on its second reading and passage to third reading.

The President Pro Tempore announced there was objection to the request.

Adjournment

On motion of Senator Weinert, the Senate, at 11:20 o'clock a. m., adjourned until 10:00 o'clock a. m. Thursday, June 26, 1941.

APPENDIX

Communication from Mr. F. R. Torralba

EDITORIAL ATLANTIDA S. A.
Dirreccion General Y Talleres,
Azopordo Y Mexico,
Buenos Aires, May 19, 1941.

Mr. F. R. Torralba greets Mr. Bob Barker, Secretary of Senate of Texas, most affectionately, and in acknowledgment of your kind note of the 23rd of April, wishes to state that he appreciates the valuable information tendered to him, and wishes to inform you that on that same date he directed correspondence to the members of the Committee on Education. With this in mind he puts himself at your orders in any thing you might need in this country, assuring him that he considers him a special and affectionate friend.

EIGHTY-SECOND DAY

(Thursday, June 26, 1941)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tempore Cotten.

The roll was called, and the following Senators were present:

Aikin	Lovelady
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Stone
Graves	Sulak
Hazlewood	Van Zandt
Isbell	Vick
Kelley	Weinert
Lanning	York

Absent—Excused

Hill	Smith
Lemens	Spears
Martin	Winfield
Shivers	

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer, as follows:

"Our Heavenly Father, we bring before Thee all the problems that our hearts know, all the joys and all the sorrows, all the heartaches, and all the rejoicings. We bring them through Jesus Christ, the Mighty One. Thou art so great and we are so small; Thou art so mighty and we are so insignificantly weak. We know not what to do with our problem, but Thou knowest all. Thou understandest our thoughts afar off. Thou knowest our downittings, and our uprisings and art acquainted with all our ways. Such knowledge is too wonderful for us. It is so high we can not reach it; it is so deep we can not plumb the depths of it. To such a God, we come today with our cares and our loved ones who may be sick. Especially, we bring our Lieutenant Governor's wife, Mrs. Coke Stevenson, to that the same gentle Jesus, at Whose words, fever sped away, in response to Whose voice, the deaf heard, the dumb talked, the dead walked out of their graves; at Whose touch sickness departed, the lame walked, the blind saw. To Him, we bring this gracious woman today, praying, that if it is Thy will, she may be restored to her health—and that she and her family may have peace

for today and hope for tomorrow, and that our great Lieutenant Governor may be borne up on the wings of love for his great tasks. For Christ's sake. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, June 24, 1941 was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senator Spears was granted leave of absence for today on account of important business, on motion of Senator Graves.

Senator Hill was granted leave of absence for today and the remainder of the week on account of important business, on motion of Senator Stone.

Senator Martin was granted leave of absence for today on account of important business, on motion of Senator York.

Senator Winfield was granted leave of absence for today on account of important business, on motion of Senator Formby.

Senator Lemens was granted leave of absence for this morning on account of important business, on motion of Senator Vick.

Senator Shivers was granted leave of absence for today on account of important business, on motion of Senator Moore.

Reports of Standing Committees

Senator Isbell submitted the following report:

The Senate Chamber,
Austin, Texas,
June 26, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

H. B. No. 1092, A bill to be entitled "An Act authorizing the annexation of streets, highways, and alleys by the governing bodies of certain cities and towns; prescribing the method for such annexation; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

ISELL, Vice-Chairman.

Senator Aikin submitted the following report:

Austin, Texas,
June 24, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 1087, A bill to be entitled "An Act to amend H. B. No. 930 of the Forty-seventh Legislature by adding thereto a new Section to follow Section 1 thereof, and to be known as Section 1a, to provide that any unexpended balance in the sums of money appropriated to the Adjutant General's Department in H. B. No. 930, for the purposes stated, on hand August 31, 1941, are appropriated to the Adjutant General's Department for the purposes stated in H. B. No. 930 for the two-year period beginning September 1, 1941, and ending August 31, 1943; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

AIKIN, Chairman.

Senator Moore submitted the following report:

Senate Chamber,
Austin, Texas,
June 24, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. C. R. No. 85, Granting J. P. McKenzie of Walker County permission to sue the State of Texas and the State Parks Board.

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Message from the House

The Chief Clerk of the House was recognized by the President Pro Tempore to present the following message:

Hall of the House of Representatives,
Austin, Texas,
June 26, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

H. C. R. No. 230, Providing for a recess of the Legislature from June 27, 1941, to July 15, 1941, and adjournment sine die July 18, 1941.

H. C. R. No. 278, Instructing the Board of Control to make necessary changes in S. B. No. 402.

H. C. R. No. 280, Requesting the Governor to return H. B. No. 188.

The House has adopted the Conference Committee report on H. B. No. 166 by a viva voce vote.

Respectfully submitted,

E. R. LINDLEY,
Chief Clerk, House of Representatives.

Bill and Resolution Signed

The President Pro tempore signed in the presence of the Senate, after their captions had been read, the following enrolled bill and resolution:

S. B. No. 486, A bill to be entitled "An Act amending Section 1, of Chapter 196, General Laws, Forty-third Legislature, Regular Session, by adding thereto a Subsection to follow Subsection (5), and to be known as Subsection (6), providing that Federal employees stationed within this State by assignment to duty, shall be permitted to enroll their children in State institutions of higher learning at the rate of tuition provided for residents of the State, without regard to the length of time said Federal employees have been stationed within the State; and declaring an emergency."

S. C. R. No. 82, Relating to securing funds for laboratory building for health defense needs.

House Concurrent Resolution 280

The President Pro Tempore laid before the Senate and had read (the resolution having been received from the House today):

H. C. R. No. 280, Recalling H. B. No. 188 from the Governor, and authorizing a correction to be made in the enrolled copy of the bill.

On motion of Senator Metcalfe and by unanimous consent, the resolution was considered and adopted at this time.

House Bill 611 on Second Reading

Senator Aikin moved that the regular order of business be suspended to take up H. B. No. 611 on its second reading and passage to third reading.

The motion prevailed by the following vote:

Yeas—20

Aikin	Lovelady
Beck	Mauritz
Brownlee	Metcalfe
Cotten	Moffett
Fain	Moore
Formby	Stone
Graves	Van Zandt
Hazlewood	Vick
Kelley	Weinert
Lanning	York

Nays—3

Isbell	Sulak
Ramsey	

Absent—Excused

Hill	Smith
Lemens	Spears
Martin	Winfield

Paired

Senator Chadick (present), who would vote "nay" with Senator Shivers (absent), who would vote "yea."

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 611, A bill to be entitled "An Act to amend and re-enact S. B. No. 36, Acts, Forty-sixth Legislature, Regular Session, entitled: An Act creating a State Department of Public Welfare for the State of Texas; prescribing its rights, powers, functions, and duties; creating and providing for a State Board of Public Welfare; prescribing its rights, powers and duties; defining certain terms; providing for the administration of this Act; providing for payment of Old-Age Assistance; providing for assistance to needy blind persons, dependent and destitute children, and persons or families who are in dependent and needy circumstances; accepting for the State of Texas all the provisions of the Federal Social Security Act, enacted by the Congress of the United States and approved March 14, 1935; transferring all the rights, powers and duties of the Division of Child Welfare of the State Board of Control to the State Department of Public Welfare; and abolishing the Division of Child Welfare of the State Board of Control; transferring all the rights, powers and duties of the Texas Relief Commission to the State Department of Public Welfare and abolishing the Texas Relief Commission; transfer-

ring all the rights, powers, and duties of the Texas Old-Age Assistance Commission to the State Department of Public Welfare; and abolishing the Texas Old-Age Assistance Commission; providing for the transfer of the staffs, records and physical properties of the Division of Child Welfare of the Board of Control, the Texas Relief Commission, and the Texas Old-Age Assistance Commission to the State Department of Public Welfare; designating the State Department of Public Welfare as the State Agency to cooperate with the Federal Government in the administration of the provisions Title I, Title IV, Part 3 of Title V, and Title X, of the Federal Social Security Act, and other titles; designating the State Department of Public Welfare as the State Agency to cooperate with the Children's Bureau of the United States Department of Labor in certain matters; designating the State Department of Public Welfare as the State Agency to cooperate with the Federal Government in the administration and distribution of Federal Surplus commodities and other Federal resources; providing for the transfer of certain funds to the credit of the State Department of Public Welfare; creating certain funds in the State Treasury; making appropriations; providing penalties for violation of provisions of this Act; providing a saving clause; providing the effective date of this Act; providing schedule for proration of funds; repealing H. B. No. 7, Chapter 435, Acts of the Regular Session of the Forty-fifth Legislature, and all other Acts, laws or parts thereof in conflict with this Act; and declaring an emergency."

The bill was read second time.

Senator Van Zandt offered the following amendment to the bill:

(1)

Amend H. B. No. 611 by striking out everything below the enacting clause and substituting in lieu thereof the following:

Section 1. S. B. No. 36, Acts, Forty-sixth Legislature, Regular Session, is hereby amended and reenacted so as to hereafter read as follows:

"Definitions

"Sec. 1. As used in this Act:

"(1) 'State Board' means the State Board of Public Welfare.

"(2) 'State Department' means the State Department of Public Welfare.

"(3) 'Executive Director' means Executive Director of the State Department of Public Welfare.

"(4) 'Public Welfare' means and includes all forms of public assistance and specific services provided for in this Act.

"(5) 'Old Age Assistance' means money payments to needy aged individuals.

"(6) 'Aid to Dependent Children' means money payments with respect to a needy dependent child or needy dependent children.

"(7) 'Aid to the Blind' means money payments to blind individuals who are needy.

"(8) 'Child Welfare Services' means services for children provided for in this Act.

"(9) 'Applicant' means an individual who has applied for assistance under this Act.

"(10) 'Recipient' means an individual who is receiving assistance under the provisions of this Act.

State Department of Public Welfare

Sec. 2. (1) There is hereby created a State Department of Public Welfare which shall consist of a State Board of Public Welfare, an Executive Director, and such other officers and employees as may be required to efficiently carry out the purposes of this Act. The State Board of Public Welfare shall be composed of three (3) members to be appointed by the Governor of the State of Texas with the advice and consent of the Senate on the basis of demonstrated interest in, and knowledge of, public welfare and who have had experience as an executive or administrator; the term of one member to expire January 20, 1943, the term of one member to expire January 20, 1945, and the term of one member to expire January 20, 1947; provided, however, that the present members of the State Board of Public Welfare who have previously been appointed by the Governor and confirmed by the Senate shall continue to hold office for the terms to which they have been appointed. The Governor shall designate which appointee he desires to fill each term and vacancies shall be filled for any unexpired term by appointment by the Governor with the advice and consent of the Senate. On

January 20, 1943, and biennially thereafter, one member of said Board shall be appointed for a full term of six (6) years, and each member of said Board shall hold office until his successor has been appointed and has qualified by taking the oath of office. The State Board of Public Welfare shall have its office in Austin, Texas, in such building as shall be designated and approved by the State Board of Control.

"(2) At the first meeting of the members of said Board, after their appointment and biennially thereafter upon the appointment of a new member thereof, one of the members thereof shall be elected Chairman to preside over all meetings of such Board, and two (2) members thereof shall constitute a quorum for the transaction of business.

"(3) The members of the State Board of Public Welfare shall receive their actual expenses while engaged in the performance of their duties and a per diem of Ten (\$10.00) Dollars per day for not exceeding sixty (60) days for any fiscal year.

"Sec. 3. (1) The Board shall select and appoint, with the advice and consent of two-thirds of the membership of the Senate, an Executive Director of the Department of Public Welfare, who shall be the executive and administrative officer of the State Department and shall discharge all administrative and executive functions of the State Department. Such person so selected and appointed shall be not less than thirty-five (35) years of age at the date of his appointment, and shall have been a resident citizen of the State of Texas for at least ten (10) years preceding the date of his appointment, and shall not have been an occupant of any elective State office at the time of his appointment, nor have occupied any elective State office during the six (6) months next preceding the date of his said appointment. He shall be a person of demonstrated executive ability and extensive experience in public welfare administration, or shall have had experience as an executive or administrator, and shall serve at the pleasure of the State Board. Provided, however, that the present Executive Director who has previously been appointed by the State Board and confirmed by the Senate shall continue to hold office for such period of time as may be determined by the State Board.

"(2) The Board shall be responsible for the adoption of all policies, rules, and regulations for the government of the State Department of Public Welfare.

"(3) The Board, its agents, representatives, and employees shall constitute the State Department of Public Welfare and whenever, by any of the provisions of this Act, or of any other Act, any right, power, or duty is imposed or conferred on the State Department of Public Welfare, the right, power, or duty so imposed or conferred shall be possessed and exercised by the Executive Director unless any such right, power, or duty is specifically delegated to the duly appointed agents or employees of such department, or any of them, by this Act or by an appropriate rule, regulation, or order of the State Board.

Duties and Functions of the State Department

"Sec. 4. The State Department shall be charged with the administration of the welfare activities of the State as hereinafter provided. The State Department shall:

"(1) Administer aid to needy dependent children, assistance to needy blind, and administer or supervise general relief.

"(2) Administer or supervise all child welfare service, except as otherwise provided for by law.

"(3) Administer assistance to the needy aged.

"(4) Cooperate with the Federal Social Security Board, created under Title 7 of the Social Security Act enacted by the Seventy-fourth Congress and approved August 14, 1935, and any amendment thereto, and with any other agency of the Federal Government in any reasonable manner which may be necessary to qualify for Federal Aid for assistance to persons who are entitled to assistance under the provisions of that Act, and in conformity with the provisions of this Act, including the making of such reports, in such forms and containing such information as the Federal Social Security Board or any other proper agency of the Federal Government may, from time to time, require, and comply with such requirements as such Board or agency may from time to time, find necessary to assure the correctness and verifications of such reports.

"(5) Assist other departments, agencies and institutions of the local State and Federal Governments, when so requested and cooperate with such agencies when expedient, in performing services in conformity with the purposes of this Act.

"(6) Fix the fees to be paid to ophthalmologists or physicians skilled in treatment of diseases of the eye for the examination of applicants for, and recipients of, assistance as needy blind persons.

"(7) Establish and provide such method of local administration as is deemed advisable, and provide such personnel as may be found necessary for carrying out in an economical way the administration of this Act; provided, however, that all employees of the Department shall have been residents of the State of Texas for a period of at least four (4) years next preceding their appointment. To serve in an advisory capacity to such local administrative units as may be established, there may be also established local advisory boards of public welfare, which boards shall be of such size, membership, and experience as may be determined by the Executive Director of the Department of Public Welfare to be essential for the accomplishment of the purposes of this Act not in conflict with or duplication of other laws on this subject.

"(8) Carry on research and compile statistics relative to the entire Public Welfare program throughout the State, including all phases of dependency, delinquency, and related problems, and develop plans in cooperation with other public and private agencies for the prevention as well as treatment of conditions giving rise to public welfare problems.

"(9) Have authority, any provision of law to the contrary notwithstanding, to dismiss without notice any person employed in the administration of this Act upon receipt of notice of a determination by the United States Civil Service Commission that such person has violated the provisions of the Act of Congress entitled an 'Act to prevent pernicious political activities' as amended (U. S. C., Title 18, Section 61a) and that such violation warrants the removal of such person from his employment.

"(10) Have authority to establish by rule and regulation a Merit System for persons employed by the State Department of Public Welfare

in the administration of this Act; and shall provide by rule and regulation for the proper operation and maintenance of such Merit System on the basis of efficiency and fitness, and may provide for the continuance in effect of any and all actions heretofore taken in pursuance of the purposes of this subsection. The State Department is empowered and authorized to adopt regulations that may be necessary to conform to the Federal Social Security Act approved March 14, 1935, as amended, and shall have the power and authority to provide for the maintenance of a Merit System in conjunction with any Merit System applicable to any other State agency or agencies operating under the said Social Security Act as amended.

The Social Security Board shall exercise no authority with respect to the selection, tenure of office, and compensation of any individual employed in accordance with such methods.

"Sec. 5. There shall be created in the State Department of Public Welfare the following Divisions: a Division of Child Welfare, a Division of Audits and Accounts, a Division of Research and Statistics, and such other Divisions as the Executive Director may find necessary for effective administration. The Executive Director shall have the power to allocate and re-allocate functions among the Divisions within the Department and have the power and authority, subject to classification, to select, appoint, and discharge such assistants, clerks, stenographers, auditors, bookkeepers, and clerical assistants as may be necessary in the administration of the duties imposed upon the State Department of Public Welfare within the limits of the appropriations that may be made for the work of said Department.

"Sec. 6. The State Department is hereby designated as the State agency to cooperate with the Federal Government in the administration of the provisions of Title I, Title IV, Part 3 of Title V, and Title X, of the Federal 'Social Security Act' and of the provisions of such other titles of the Federal 'Social Security Act' as may be added thereto, from time to time, in the event no other State agency is by law designated to cooperate with the Federal Government in the administration of the provisions of such title, or titles, as may

be added to the 'Social Security Act' and the Department is directed to enact and promulgate such rules and regulations as may be necessary to effect the cooperation as herein outlined and designated. The State Department is hereby authorized and directed to cooperate with the proper departments of the Federal Government and with all other departments of the State and local governments in the enforcement and administration of such provisions of the Federal 'Social Security Act' and any amendments thereto and the rules and regulations issued thereunder, and in compliance therewith, in the manner prescribed in this Act or as otherwise provided by law.

"Sec. 7. The State Department is hereby designated as the State agency to cooperate with the Federal Government in the proper administration and distribution of Federal surplus commodities and any other Federal resources now on hand and available, or that may be provided in the future. The State Department is hereby designated as the State agency to administer or supervise referrals and certifications to the Works Project Administration, the National Youth Administration and the Civilian Conservation Corps. The State Department may cooperate with any city or county in any manner deemed necessary for the proper operation of these programs.

"Sec. 8. The State Department is hereby designated as the agency to cooperate with the Children's Bureau of the United States Department of Labor in:

"(1) Establishing, extending, and strengthening, especially in predominantly rural areas, public welfare services for the protection and care of homeless, dependent, and neglected children in danger of becoming delinquent; and

"(2) Developing State services for the encouragement and assistance of adequate methods of community child welfare organization and paying part of the cost of district, county or other local child welfare services in areas predominantly rural and in other areas of special need; and as may be determined by the rules and regulations of said State Department; and

"(3) Developing such plans as may be found necessary to effectuate the services contemplated in this Section, and to comply with the rules and re-

quirements of the Children's Bureau of the United States Department of Labor issued and prescribed in conformity with, and by virtue of the Federal 'Social Security Act' as amended.

"Sec. 9. No provision of this Act shall in any manner interfere with the powers and functions of the Vocational Rehabilitation Division of the Department of Education, the State Commission for the Blind, or the Division of Maternal and Child Health of the State Health Department, or the Juvenile Boards of any of the counties authorized by Title 82, Revised Civil Statutes of Texas, as amended.

"Sec. 10. The Executive Director shall prepare and submit to the Board, for its approval, a biennial budget of all funds necessary to be appropriated by the Legislature for the State Department for the purposes of this Act, including in such budget an estimate of all Federal funds which may be allotted to this State by the Federal Government for the purposes of the State Department. The budget so prepared shall by the State Board be submitted to and filed with the Board of Control in the form and manner and within the time prescribed by law.

"Sec. 11. The Executive Director shall prepare annually a full report of the operation and administration of the State Department, together with such recommendations and suggestions as he may deem advisable, and such reports shall be submitted to the State Board not later than the first day of October of each year. The State Board, in turn, shall submit a report to the Governor and the Legislature.

Aid to the Blind

"Sec. 12. Assistance shall be given under the provisions of this Act to any needy blind person who:

"(1) Is over the age of twenty-one (21) years; and

"(2) Whose vision, with correction glasses, is insufficient for use in an occupation for which sight is essential; and

"(3) Who has resided in this State for five (5) years during the nine (9) years immediately preceding the date of application, and who has resided in this State continuously for one (1) year immediately preceding the date of application; and

"(4) Is not at the time of receiving such aid an inmate of any public institution; and

"(5) Who is not publicly soliciting alms in any part of this State. The term 'publicly soliciting' shall be construed to mean the wearing, carrying, or exhibiting the signs denoting blindness, or the carrying of receptacles for the receptions of alms, or the doing of the same by proxy, or be begging from house to house or on any public street, road, or thoroughfare within the State; and

"(6) Who has not sufficient income or other resources to provide a reasonable subsistence compatible with decency and health; and

"(7) Who is a citizen of the United States.

"Sec. 13. No aid to needy blind persons shall be given under the provisions of this Act to any individual for any period with respect to which he is receiving Old Age Assistance.

"Sec. 14. The amount of assistance which shall be given under the provisions of this Act to any individual as aid to the blind shall be determined by the State Department through its districts or county agencies in the county or district in which the needy blind person resides with due consideration to the income and other resources of such blind person and in accordance with the rules and regulations of the State Department. The amount of assistance given shall provide such blind person with a reasonable subsistence compatible with decency and health, within the limitations and provisions of the Constitution of Texas as are now provided, or may hereafter be provided.

"Sec. 15. No applicant for assistance as a needy blind person shall be approved until the applicant shall have been examined by an ophthalmologist or physician skilled in treatment of diseases of the eye and who is licensed to practice medicine in Texas, and who has been approved by the State Department to make such examination. The examining ophthalmologist or physician shall certify, in writing upon forms prescribed by the State Department as to the cause, diagnosis, and prognosis, and shall make recommendations as to the medical and surgical treatment. The State Department shall adopt a reasonable fee schedule for such examinations. Such fees shall be paid out of the funds appropriated to the State

Department for the purpose of assistance to needy blind persons under the provisions of this Act or for administrative expense.

"Sec. 16. Every recipient of aid to the blind shall submit to a re-examination of his syseight at least once every two (2) years, unless excused therefrom by the State Department. The State Department shall promulgate such rules and regulations stating in terms of ophthalmic measurements, the amount of visual acuity which an applicant or recipient may have and still be eligible for assistance under this Act.

Aid to Dependent Children

"Sec. 17. Aid to dependent children shall be given under the provisions of this Act with respect to any dependent child. 'Dependent Child' is any individual:

"(1) Who is a citizen of the United States; and

"(2) Who has resided in this State for a period of at least one (1) year immediately preceding the date of the application for assistance; or was born within the State one (1) year immediately preceding the date of application, and whose mother has resided in the State for a period of at least one (1) year immediately preceding the birth of such child; and

"(3) Who is under the age of fourteen (14) years; and

"(4) Who has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent; and

"(5) Who is living with his father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, or aunt, in a place of residence maintained by one or more of such relatives as his or their own home; and

"(6) Who has not sufficient income or other resources to provide a reasonable subsistence compatible with decency and health.

"Sec. 18. The amount of assistance which shall be given under the provisions of this Act with respect to any needy dependent child shall be determined by the State Department through its district or county agencies in the district or county in which the dependent child resides with due consideration to the income and other resources of such child and in ac-

cordance with the rules and regulations of the State Department. The amount of assistance given shall provide such dependent child with a reasonable subsistence compatible with decency and health, within the limitations and provisions of the Constitution of Texas as are now provided, or may hereafter be provided.

"Sec. 19. When the investigation discloses that a child in whose behalf application for assistance has been made is a needy dependent child as defined in this Act, and that such child is living, or will live, with one or more of the relatives prescribed in this Act, assistance may be allowed for the support of such child if other provisions of this Act are complied with.

Old Age Assistance

"Sec. 20. Old Age Assistance shall be given under the provisions of this Act to any needy person:

"(1) Who has attained the age of sixty-five (65) years; and

"(2) Who is a citizen of the United States; and

"(3) Who has resided in the State of Texas for five (5) years or more within the last nine (9) years preceding the date of his application for assistance and has resided in the State of Texas continuously for one (1) year immediately preceding the application; and

"(4) Who is not at the time of receiving assistance an inmate of a public institution; and

"(5) Who has not sufficient income or other resources to provide a reasonable subsistence compatible with health and decency. Income and resources to be taken into consideration shall be known to exist and shall be available to the applicant. An applicant for old age assistance shall not be denied assistance because of the existence of a child or other relative, except husband or wife, who is able to contribute to the applicant's support, and no inquiry shall be made into the financial ability of said child or other relative, except husband or wife, in determining applicant's eligibility. The applicant's child or other relative, except husband or wife, is to be treated by the State Department in the same way as any person not related to the applicant; any aid or contributions to the applicant from such child or other relative, except husband or wife, must actually exist

in fact, or with reasonable certainty, be available in the future to constitute a resource to the applicant.

"(6) An applicant for old age assistance shall not be denied assistance because of the ownership of a resident homestead, as the term 'resident homestead' is defined in the Constitution and Laws of the State of Texas.

"Sec. 21. The amount of assistance which shall be given under the provisions of this Act to any individual as old age assistance shall be determined by the State Department through its district or county agencies in the county or district in which the needy aged person resides with due consideration to the income and other resources of such aged person and in accordance with the rules and regulations of the State Department. A voluntary statement by any child or other relative, except husband or wife, as to the amount and kind of aid or assistance he is contributing or expects to contribute to an applicant for old age assistance shall be accepted by the State Department as prima facie evidence of the availability and amount of such contribution; provided, however, that actual contributions to the applicant must be considered by the State Department. The amount of assistance given shall provide such aged person with a reasonable subsistence compatible with decency and health, within the limitations and provisions of the Constitution of Texas as are now provided, or may hereafter be provided.

Applications, Reinvestigations and Appeals

"Sec. 22. Application for old age assistance, aid to the blind, and aid to dependent children under the provisions of this Act shall be made in the manner and in the form prescribed by the rules and regulations of the State Department. Such application may contain a statement of the amount of property, both personal and real, in which the applicant has an interest and of all income which the applicant may have at the time of the filing of the application, and such other information as may be required by the State Department.

"Sec. 23. Whenever the State Department shall receive an application for old age assistance, aid to the blind or aid to dependent children as provided under this Act, the State Department shall:

"(1) Make an investigation and record of the circumstances of the applicant in order to ascertain the facts supporting the application and to obtain such other information as it may require.

"(2) After completion of its investigation, determine whether the applicant is eligible for assistance under the provisions of this Act, the type and amount of assistance, the date on which such assistance shall begin, and the manner in which payment shall be made. All applicants shall be promptly notified of the final action taken by the State Department.

"Sec. 24. All assistance granted under the provisions of this Act to any needy aged person, needy blind person or with respect to any dependent child shall be reconsidered as frequently as may be required by the rules of the State Department. After such reconsideration as the State Department may deem necessary or may require, the amount of assistance may be changed, or the assistance may be entirely withdrawn if the State Department finds that the recipient's circumstances have altered sufficiently to warrant such action. The State Department may at any time cancel and revoke assistance or it may suspend assistance for such period as it may deem proper, upon the grounds of ineligibility of the recipient under the provisions of this Act. Whenever assistance is thus withdrawn, revoked, suspended, or in any way changed, the State Department shall at once notify the recipient of such decision. If at any time during the continuance of public assistance the recipient thereof becomes possessed of income or resources in excess of the amount previously reported by him, it shall be his duty to notify the State Department of this fact immediately on the receipt or possession of such additional income or resources.

"Sec. 25. (1) In the event that an application for public assistance by a needy blind person, a needy aged person, or with respect to a needy dependent child, is not acted upon by the local unit of administration within a reasonable time after the filing of such an application, or is denied in whole, or in part, or any award of assistance is modified or cancelled, or an applicant or recipient is dissatisfied with any action or failure to act on the part of the local administrative unit, the applicant or recipient

shall have the right to appeal to the State Department and shall be granted a reasonable notice and opportunity for a fair hearing before the State Department.

"(2) Within a reasonable time prior to an applicant's or recipient's appeal hearing he, or his authorized agent, shall be fully advised of the information contained in his record on which action was based if a request for such information is made in writing, and no evidence of which the applicant or recipient is not informed shall be considered by the State Department as the basis for a decision after a hearing.

Method of Assistance Payments

"Sec. 26. All assistance payments provided for under the terms of this Act shall be paid by vouchers or warrants drawn by the State Comptroller on the proper accounts of a 'State Department of Public Welfare Fund'; for the purpose of permitting the State Comptroller to properly draw and issue such vouchers or warrants, the State Department of Public Welfare shall furnish the Comptroller with a list of or roll of those entitled to assistance from time to time, together with the amount to which each recipient is entitled. When such vouchers or warrants have been drawn they shall be delivered to the Executive Director of the State Department of Public Welfare, who in turn shall supervise the delivery of same to the persons entitled thereto.

"Sec. 27. (1) For the purposes of carrying out the provisions of this Act, the Old Age Assistance Fund, the Blind Assistance Fund, and the Children Assistance Fund as provided for in H. B. No. 8, Acts of the Forty-seventh Legislature, Regular Session, are hereby made separate accounts of the 'State Department of Public Welfare Fund' as created by this Act. Provided, that all monies in the separate accounts of the State Department of Public Welfare Fund shall be expended only for the purposes of carrying out the provisions of this Act, and for the purposes for which said separate accounts were created or appropriated.

"(2) The State Treasurer is hereby designated as the custodian of any and all money which may be received by the State of Texas (which the State Department of Public Wel-

fare is authorized to administer), from any appropriations made by the Congress of the United States, for the purpose of cooperating with the several provisions of the Federal 'Social Security Act,' and all money received from any other source; and the State Treasurer is hereby authorized to receive such money, pay it into the proper fund or the proper account of the General Fund of the State Treasury, provide for the proper custody thereof, and to make disbursements therefrom upon the order of the State Department and upon warrant of the State Comptroller of Public Accounts.

"Sec. 28. If at any time State funds are not available to pay all grants of assistance in full as authorized in this Act, said grants shall be prorated as the State Board of Public Welfare may direct.

"Sec. 29. Old Age Assistance, aid to the blind or aid to dependent children as provided for under the provisions of this Act shall not be transferable or assignable, at law or in equity, and none of the money paid or payable under the provisions of this Act shall be subject to execution, levy, attachment, garnishment, or other legal process, or to the operation of any insolvency law; the provision of this Act providing for old age assistance, aid to the blind, and aid to dependent children shall not be construed as a vested right in the recipient of such assistance.

Unlawful Acts

"Sec. 30. Any person or persons charged with the duty or responsibility of administering, disbursing, auditing, or otherwise handling the grants, funds, or monies, provided for in this Act, and who shall misappropriate any such grants, funds, or moneys or who shall by deception or fraud to any other person wrongfully distribute the grants, funds, or moneys provided for in this Act, shall be deemed guilty of a felony and shall, upon conviction, be confined in the State penitentiary for a term of not less than two (2) nor more than seven (7) years.

"Sec. 31. No officer or employee of the State Department shall use his official authority or influence or permit the use of the programs administered by the State Department for the purpose of interfering with an election or affecting the results

thereof or for any political purpose. No such officer or employee shall take any active part in political management or in political campaign or participate in any political activity, except that he shall retain the right to vote as he may please and express his opinion as a citizen on all political subjects. No such officer or employee shall solicit or receive, nor shall any such officer or employee be obliged to contribute or render, any service, assistance, subscriptions, assessments, or contributions for any political purpose. Any officer or employee of the State Department violating this Section shall be subject to discharge or suspension or such other disciplinary measures as may be provided by the rules and regulations of the State Department.

"Sec. 32. It shall be unlawful for any attorney-at-law, or attorney-in-fact, or any other person, firm or corporation whatsoever, representing any applicant or recipient of assistance to the aged, to the needy blind, or to any needy dependent child, or for any child welfare service with respect to any application before the State Department, or any of its agents, to charge a fee for his services in excess of Ten (\$10) Dollars in aiding or representing any such applicant before the State Department, or for any other service in aiding such applicant to secure assistance or service. It shall likewise be unlawful for any person, firm or corporation, to advertise, hold himself out for, or solicit the procurement of assistance or service.

"Sec. 33. (1) It shall be unlawful, except for purposes directly connected with the administration of general assistance, old age assistance, aid to the blind, or aid to dependent children, and in accordance with the rules and regulations of the State Department, for any person or persons to solicit, disclose, receive, make use of, or to authorize, knowingly permit, participate in, or acquiesce in the use of, any list of, or names of, or any information concerning, persons applying for or receiving such assistance, directly or indirectly derived from the records, papers, files, or communications of the State Department or subdivisions or agencies thereof, or acquired in the course of the performance of official duties.

"(2) The rule-making power of the State Department shall include the

power to establish and enforce reasonable rules and regulations governing the custody, use, and preservation of the records, papers, files, and communications of the State Department and its local officers. Wherever, under provisions of law, names and addresses of recipients of public assistance are furnished to or held by any other agency or department of government, such agency or department of government shall be required to adopt regulations necessary to prevent the publication of lists thereof or their use for purposes not directly connected with the administration of public assistance.

"Sec. 34. Whoever obtains, or attempts to obtain, or aids or abets any person to obtain, by means of a willfully false statement or representation or by impersonation, or by other fraudulent means:

"(1) Assistance, services, or treatment to which he is not entitled;

"(2) Assistance, services, or treatment greater than that to which he is justly entitled;

"(3) Or, with intent to defraud, aids or abets in buying, or in any way disposing of the property of a recipient of assistance without the consent of the State Department, or whoever violates Section 32 or Section 33 of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined any sum not more than One Hundred (\$100) Dollars or be imprisoned for not less than six (6) months, nor more than two (2) years, or be both so fined and imprisoned.

Miscellaneous Provisions

"Sec. 35. The purpose of this Act is to inaugurate a program of social security and to provide necessary and prompt assistance to the citizens of this State who are entitled to avail themselves of its provisions. This Act shall be liberally construed in order that its purposes may be accomplished as equitably, economically, and expeditiously as possible.

"Sec. 36. All assistance granted under the provisions of this Act shall be deemed to be granted and to be held subject to the provisions of any amending or repealing Act that may hereafter be passed, and no recipient shall have any claims for compensation or otherwise by reason of his assistance being affected in any way by any amending or repealing Act.

"Sec. 37. The local representatives of the Department, who are charged with the duty of investigating and determining the eligibility of applicants for assistance under the provisions of this Act, are authorized to administer oaths and take acknowledgments concerning all matters relating to the administration of this Act. No seal shall be required of such representatives of the Department in attesting to oaths administered or acknowledgments taken, but said representatives shall officially sign said oaths or acknowledgments, showing with such signature their position and title. In this connection, these local representatives of the Department, for the purposes of the administration of this Act, shall have the same authority as is now had by Notaries Public co-extensive with the limits of the State of Texas.

"Sec. 38. None of the provisions of this Act shall change, amend, alter or impair any of the provisions of H. B. No. 2059, Acts of the Forty-seventh Legislature, Regular Session.

"Sec. 39. No provision of this Act is intended to release the counties and municipalities in this State from the specific responsibility which is currently borne by those counties and municipalities in support of public welfare, child welfare, and relief services. Such funds which may hereafter be appropriated by the counties and municipalities for those services may be administered through the county or district offices of the State Department, and if so administered, shall be devoted exclusively to the services in the county or municipality making such appropriation.

"Sec. 40. County Child Welfare Boards established or hereinafter appointed in conformity with Section 4, Acts of 1931, Forty-second Legislature, page 323, Chapter 194, shall function and/or continue to function as provided therein, and the commissioners' court of any county may appropriate funds from its General Funds, or any other available fund, for the administration of such county child welfare boards and provide for services to and support of children in need of protection and/or care.

"Sec. 41. Any person who is receiving assistance under the provisions of this Act and who moves out of and does not reside in the State shall, by virtue of that fact, be deemed ineligible to receive assistance

in this State except that temporary absence from the State for such periods of time, and for such reasons as the State Department shall approve, shall not be deemed to interrupt the residence of the recipient.

"Sec. 42. No person, who has attained the age of sixty-five (65), and who is not receiving old age assistance, shall by reason of his age, be disbarred from receiving other public relief and care.

"Sec. 43. This Act shall be known and may be cited as 'The Public Welfare Act of 1941.'

"Sec. 44. Article II of H. B. No. 8, Acts, Forty-fourth Legislature, Third Called Session, is hereby repealed.

"Sec. 45. H. B. No. 26, Acts, Forty-fourth Legislature, Second Called Session, is hereby repealed.

"Sec. 46. S. B. No. 9, Acts, Forty-sixth Legislature, Regular Session, is hereby repealed.

"Sec. 47. If any Section, Subsection, paragraph, sentence, clause, phrase, or word of this Act or the application thereof to any person or circumstances is held invalid, such holding shall not affect the validity of the remaining portions of the Act, and the Legislature hereby declares that it would have passed such remaining portions despite such invalidity."

Sec. 2. The fact that the Federal Social Security Act was amended in 1939 and the fact that there are provisions in the Texas law apparently not in conformity with the Federal Social Security Act, as amended, and the regulations of the Social Security Board promulgated under the amended Act, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be suspended, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The amendment was adopted.

Senator Lovelady offered the following amendment to the bill (as amended):

Amend the Van Zandt amendment to H. B. No. 611 by adding in subsection 5, Section 20, a new sentence

at the end of the first sentence in said subsection:

"Provided that in consideration of income and resources actually available to applicant the State agency shall not evaluate income and resources which may be available only to relatives of applicant."

The amendment was adopted.

Senator Lanning offered the following amendment to the bill (as amended):

Amend substitute to H. B. No. 611 by adding a new subdivision under Section 4, to be known as subdivision 11:

"The Council shall provide for a preference in every State Department in this State (under which the Council has supervision) to all honorary discharged soldiers, sailors, nurses and marines from the army and navy of the United States in the late Spanish-American and Philippine Insurrection Wars and the late World War when the United States of America were engaged in war against the Imperial Government of Germany and its allies and who are and have been residents or citizens of the State of Texas for a period of ten (10) years and who are competent and fully qualified shall be entitled to preference in appointments and employment; further provides that they shall receive a credit of five (5) points to be added to their merit ratings."

LANNING,
MOFFETT.

The amendment was adopted.

Senator Metcalfe offered the following amendment to the bill (as amended):

Amend amendment by Van Zandt to H. B. No. 611, by adding at the end of subsection 10, page 6, of the mimeographed copy, the following:

"It is further provided that if any merit council is set up under authority of this Act the members and the executive head thereof shall be appointed subject to the confirmation of two-thirds of the members of the Senate."

The amendment was adopted.

On motion of Senator Van Zandt, the caption was ordered amended to conform to the body of the bill.

The bill then was passed to third reading.

House Concurrent Resolution 230

Senator Lanning called for the consideration at this time of H. C. R. No. 230.

The President Pro Tempore laid before the Senate and had read:

H. C. R. No. 230, Providing for recess of the Legislature from June 27, 1941, until July 15, 1941, at 10:00 o'clock a. m. and for adjournment sine die on July 18, 1941, at 6:00 o'clock p. m.

Senator Moore moved to table the resolution.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—12

Aikin	Lovelady
Beck	Moore
Brownlee	Ramsey
Chadick	Stone
Fain	Weinert
Isbell	York

Nays—9

Cotten	Mauritz
Graves	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	

Absent—Excused

Smith	Spears
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Paired

Senator Formby (present), who would vote "nay" with Senator Winfield (absent), who would vote "yea."

Senator Metcalfe (present), who would vote "yea" with Senator Hill (absent), who would vote "nay."

Senator Moffett (present), who would vote "nay" with Senator Martin (absent), who would vote "yea."

Senator Hazlewood (present), who would vote "nay" with Senator Shivers (absent), who would vote "yea."

Message from the House

A Clerk of the House was recognized by the President Pro Tempore to present the following message:

Hall of the House of Representatives,
Austin, Texas,
June 26, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House

has passed the following bill and resolutions:

S. B. No. 500, A bill to be entitled "An Act amending Chapter 82 of the Acts of the Forty-first Legislature at its Regular Session entitled 'An Act granting to cities located in any county in this State of less than one hundred thousand (100,000) inhabitants according to the last United States Census, and which county contains a city of more than forty-three thousand (43,000) inhabitants according to said census, the right to execute leases not to exceed a period of ninety-nine (99) years on islands, flats and other submerged lands heretofore granted by the State of Texas, or the Republic of Texas to such cities and providing that no provision shall ever be incorporated in any such lease restricting the right of the lessee to construct, establish, maintain, equip and operate docks, wharves, ferries, ferry landings, loading and unloading devices and shipping facilities and to demand and receive compensation for services furnished for private purposes or otherwise, and that every such lease shall specify the purpose for which the same is made and provide a maximum period of five (5) years within which the lessee shall exercise the rights and privileges granted and reserving portions of any such island, flats or other submerged lands abutting and extending for a distance of two thousand (2,000) feet along existing navigable channels and extending back from said channel fifteen hundred (1500) feet from the point of mean low tide; and declaring an emergency,' approved March 5, 1929; and declaring an emergency."

H. C. R. No. 274, Appropriating Fifteen Hundred (\$1,500.00) Dollars from Contingent Expense Funds for use of Advisory Legislative Committee authorized by Rural Aid Bill.

H. C. R. No. 276, Authorizing State Highway Department to lend discarded guard wire in Collin County to the City of Prosper.

H. C. R. No. 279, Granting each House permission to adjourn from Thursday, June 26, 1941, until Tuesday, July 1, 1941.

H. C. R. No. 275, Authorizing certain changes in Conference Committee report on S. B. No. 272.

Respectfully submitted,

E. R. LINDLEY,
Chief Clerk, House of Representatives.

House Concurrent Resolution 279

The President Pro Tempore laid before the Senate and had read (the resolution having been received from the House today):

H. C. R. No. 279, Granting the House and/or Senate permission to adjourn from Thursday, June 26, 1941, until Tuesday, July 1, 1941.

The resolution was adopted.

Record of Votes

Senators Sulak and Aikin asked that they be recorded as voting "nay" on the adoption of the resolution.

House Concurrent Resolution 275

The President Pro Tempore laid before the Senate and had read (the resolution having been received from the House today):

H. C. R. No. 275, Authorizing certain changes in the Conference Committee report on S. B. No. 272.

On motion of Senator Fain, and by unanimous consent, the resolution was considered at this time.

The resolution was adopted.

Passage of Senate Bill 5 Over Governor's Veto

Senator Mauritz called for the consideration at this time of the motion, previously made and spread on the Journal, that S. B. No. 5, remitting ad valorem taxes to the counties, be reconsidered and passed by the Senate notwithstanding the objections of the Governor.

The motion prevailed by the following vote:

Yeas—18

Beck	Lemens
Brownlee	Lovelady
Chadick	Mauritz
Fain	Moffett
Formby	Ramsey
Graves	Stone
Hazlewood	Sulak
Kelley	Vick
Lanning	Weinert

Nays—7

Aikin	Moore
Cotten	Van Zandt
Isbell	York
Metcalf	

Absent—Excused

Hill	Smith
Martin	Spears
Shivers	Winfield

Conference Committee on House Bill 711

Senator Kelley called up from the President's table, for consideration at this time, the request of the House for a Conference Committee on H. B. No. 711.

Senator Kelley moved that the request of the House be granted.

The motion prevailed.

Accordingly, the President appointed the following conferees on the bill on the part of the Senate: Senators Kelley, Stone, Formby, Brownlee and Mauritz.

(President in the Chair.)

Bill Signed

The President signed in the presence of the Senate, after their captions had been read, the following enrolled bill:

H. B. No. 268, A bill to be entitled "An Act to provide for the establishment of a State Cancer Hospital for the treatment of cancer and allied diseases and shall be known as the Clyde F. Lingo Memorial Hospital for Cancer; and providing herein the Governor of the State of Texas shall appoint a Cancer Commission of three (3) citizens of the State and their appointments shall be four (4) years; and providing herein for the appointment of an administrator and a staff to conduct said Cancer Hospital; and their appointments shall be for four (4) years; and providing herein for the appointment of an advisory board of nine (9) citizens consisting of one attorney, one civil engineer, one ordained minister, one business manager and five (5) physicians; the Cancer Commission will have power to make rules for conducting the hospital not contrary to the laws of the State of Texas; providing herein for the method of treatment of patients in said hospital and fixing the duties of the county courts with respect to the admission and payment for said patients, including examination by the Counties of the State and for payment of the burial of patient and fixing the compensation of officers, physicians, surgeons, nurses and other employees, and providing herein expenses for persons who accompany patient to and from their place of residence and providing for form of research of patients and for persons trained in the work of following up cases of cancer and precancer; providing for the employ-

ment by the Administrator of said Cancer Hospital any nurse attendant necessary for the conducting thereof, and providing herein for a committee to be appointed by the Governor, and providing herein for the establishment of a laundry building and equipment for the hospital, appropriated out of the State Treasury, charged to the General Revenue Fund as the General Assembly shall deem necessary to maintain the State Cancer Hospital."

(President Pro Tempore in the Chair.)

House Bill 611 on Third Reading

Senator Van Zandt moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 611 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Lemens
Beck	Lovelady
Brownlee	Mauritz
Chadick	Metcalf
Cotten	Moffett
Fain	Moore
Formby	Ramsey
Graves	Stone
Hazlewood	Van Zandt
Isbell	Vick
Kelley	Weinert
Lanning	York

Nays—1

Sulak

Absent—Excused

Hill	Smith
Martin	Spears
Shivers	Winfield

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—21

Aikin	Lovelady
Beck	Mauritz
Brownlee	Metcalf
Cotten	Moffett
Fain	Moore
Formby	Stone
Graves	Van Zandt
Hazlewood	Vick
Kelley	Weinert
Lanning	York
Lemens	

Nays—3

Isbell	Sulak
Ramsey	

Absent—Excused

Hill	Spears
Martin	Winfield
Smith	

Paired

Senator Chadick (present), who would vote "nay" with Senator Shivers (absent), who would vote "yea."

Senate Concurrent Resolution 86

Senator Moore offered the following resolution:

Be It Resolved by the Senate of Texas the House of Representatives concurring, That the Regular Session of the Forty-seventh Legislature do stand adjourned sine die on Thursday, July 3rd, 1941, at 12 o'clock noon.

STONE,
LEMENS,
AIKIN,
MOORE,
CHADICK,
BECK,
WEINERT,
LOVELADY,
GRAVES,
VAN ZANDT,
MOFFETT,
HAZLEWOOD.

The resolution was read and was adopted.

House Concurrent Resolution 269

Senator Brownlee moved that the regular order of business be suspended to permit consideration of H. C. R. No. 269 at this time.

The motion prevailed by the following vote:

Yeas—16

Brownlee	Mauritz
Fain	Metcalf
Formby	Moffett
Graves	Moore
Hazlewood	Ramsey
Lanning	Stone
Lemens	Vick
Lovelady	Weinert

Nays—6

Aikin	Cotten
Beck	Sulak
Chadick	Van Zandt

Absent

Isbell	York
Kelley	

Absent—Excused

Hill	Smith
Martin	Spears
Shivers	Winfield

The President Pro Tempore laid before the Senate:

H. C. R. No. 269, Authorizing certain corrections in H. B. No. 524.

The resolution was read and was adopted.

House Concurrent Resolution 251

The President Pro Tempore laid before the Senate and had read (the resolution having been received from the House on June 19, 1941):

H. C. R. No. 251, Authorizing certain corrections in H. B. No. 998.

By unanimous consent, the resolution was considered and adopted at this time.

Bill and Resolution Signed

The President Pro Tempore signed in the presence of the Senate, after their captions had been read, the following enrolled bill and resolution:

S. B. No. 500, A bill to be entitled "An Act amending Chapter 82 of the Acts of the Forty-first Legislature at its regular session entitled 'An Act granting to cities located in any county in this State of less than one hundred thousand (100,000) inhabitants according to the last United States census, and which county contains a city of more than forty-three thousand (43,000) inhabitants according to said census, the right to execute leases not to exceed a period of ninety-nine (99) years on islands, flats and other submerged lands heretofore granted by the State of Texas, or the Republic of Texas to such cities, and providing that no provision shall ever be incorporated in any such lease restricting the right of the lessee to construct, establish, maintain, equip and operate docks, wharves, ferries, ferry landings, loading and unloading devices and shipping facilities and to demand and receive compensation for services furnished for private purposes or otherwise, and that every such lease shall specify the purpose for which the same is made and provide a maximum period of five years within which the lessee shall exercise the rights and privileges granted and reserving portions of any such island, flats or other submerged lands abutting and extending for a distance of

two thousand (2,000) feet along existing navigable channels and extending back from said channel fifteen hundred (1,500) feet from the point of mean low tide; and declaring an emergency,' approved March 5, 1929; and declaring an emergency."

H. C. R. No. 280, Recalling H. B. No. 188 from the Governor, and authorizing a correction to be made in the enrolled copy of the bill.

Senate Concurrent Resolution 85

On motion of Senator Fain and by unanimous consent, the regular order of business was suspended to permit consideration of S. C. R. No. 85 at this time.

The President Pro Tempore laid before the Senate:

S. C. R. No. 85, Authorizing J. P. McKenzie to sue the State.

The resolution was read and was adopted.

House Bill 626 on Second Reading

On motion of Senator Mauritz and by unanimous consent, the regular order of business was suspended to permit consideration of H. B. No. 626 at this time.

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 626, A bill to be entitled "An Act to declare valid and legal the establishment and organization of housing authorities, all bonds, notes, contracts, agreements, obligations, and undertakings of such housing authorities, and all proceedings, acts, and things heretofore undertaken, performed or done with reference thereto; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 626 on Third Reading

Senator Mauritz moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 626 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—17

Beck	Graves
Brownlee	Isbell
Chadick	Lanning
Fain	Lemens
Formby	Lovelady

Mauritz	Stone
Metcalf	Sulak
Moffett	Vick
Ramsey	

Nays—4

Aikin	Moore
Cotten	Van Zandt

Present—Not Voting

Weinert

Absent

Hazlewood	York
Kelley	

Absent—Excused

Hill	Smith
Martin	Spears
Shivers	Winfield

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—12

Beck	Lemens
Brownlee	Lovelady
Formby	Mauritz
Graves	Metcalf
Hazlewood	Ramsey
Lanning	Vick

Nays—11

Aikin	Moore
Chadick	Stone
Cotten	Sulak
Fain	Van Zandt
Isbell	Weinert
Moffett	

Absent

Kelley	York
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Absent—Excused

Hill	Smith
Martin	Spears
Shivers	Winfield

Senate Resolution 178

Senator Chadick, by unanimous consent, offered at this time the following resolution:

Be it resolved, That the House be requested to return H. B. No. 1070 to the Senate for further consideration.

The resolution was read, and on motion of Senator Chadick and by unanimous consent, it was considered immediately.

The resolution was adopted.

Message from the House

A Clerk from the House was recognized by the President Pro Tempore to present the following message:

Hall of the House of Representatives,
Austin, Texas,
June 26, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the Conference Committee report on H. B. No. 1061 by a vote of 106 ayes, 0 noes.

The House has adopted the Conference Committee report on H. B. No. 796 by a vote of 72 ayes, 36 noes.

Respectfully submitted,

E. R. LINDLEY,
Chief Clerk, House of Representatives.

Adjournment

Senator Lanning moved that the Senate adjourn until 10:00 o'clock a. m., Tuesday, July 1, 1941.

Senator Metcalf moved that the Senate adjourn until 10:00 o'clock a. m., Monday, June 30, 1941.

Question first recurring on the motion of Senator Lanning, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—4

Cotten	Lanning
Isbell	Mauritz

Nays—19

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Chadick	Ramsey
Fain	Stone
Formby	Sulak
Graves	Van Zandt
Hazlewood	Vick
Lemens	Weinert
Lovelady	

Absent

Kelley	York
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Absent—Excused

Hill	Smith
Martin	Spears
Shivers	Winfield

Question then recurring on the motion of Senator Metcalfe, yeas and nays were demanded, and the motion prevailed by the following vote:

Yeas—17

Beck	Lovelady
Chadick	Mauritz
Cotten	Metcalfe
Fain	Moore
Graves	Ramsey
Hazlewood	Van Zandt
Isbell	Vick
Lanning	Weinert
Lemens	

Nays—6

Aikin	Moffett
Brownlee	Stone
Formby	Sulak

Absent

Kelley	York
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Absent—Excused

Hill	Smith
Martin	Spears
Shivers	Winfield

The Senate, accordingly, at 12:10 o'clock p. m., adjourned until 10:00 o'clock a. m., Monday, June 30, 1941.

EIGHTY-THIRD DAY

(Monday, June 30, 1941)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Stone
Hazlewood	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Hill	Spears
Smith	

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of Thursday, June 26, 1941, was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senator Spears was granted leave of absence for today on account of important business, on motion of Senator Graves.

Senator Hill was granted leave of absence for today on account of important business, on motion of Senator Aikin.

Senator Smith was granted leave of absence for today on account of important business, on motion of Senator Moffett.

Message from the House

A Clerk from the House was recognized by the President to present the following message:

Hall of the House of Representatives,
Austin, Texas,
June 30, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolution:

H. B. No. 1088, A bill to be entitled "An Act to amend Chapter 85 of the First Called Session of the Fortieth Legislature approved June 8, 1927, to authorize a ninety-nine year lease to be issued to the Town of Aransas Pass leasing Ransom Island and certain waters surrounding the same, situated in Nueces County, authorizing the said town to improve or have said area improved for public park purposes and the building of recreational facilities, bathing beaches, wharves, slips and docks, pavilions, clubhouses, habitations, tourist and other cottages, hotels, cafes, stores, filling stations, concessions, bathhouses, channels, causeways, bridges, streets, alleys, utilities and other structures and facilities necessary or desired for the development of the leased area as a place of recreation, amusement and better living; authorizing the reclamation, dredging and filling of any part of the leased area; authorizing the subdivision of the